

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

JAMES D. BLACK,)	CASE NO. 1:10 CV 30
)	
Petitioner,)	JUDGE PETER C. ECONOMUS
)	
v.)	
)	<u>MEMORANDUM OF OPINION</u>
MAGGIE BEIGHTLER,)	<u>AND ORDER</u>
)	
Respondent.)	

On January 7, 2010, petitioner pro se James D. Black filed the above-captioned habeas corpus action under 28 U.S.C. § 2254. Mr. Black challenges a two year state sentence he received, after a second community control violation, on the ground that the sentence was not authorized by the relevant Ohio statutes. For the reasons stated below, the petition is denied and this action is dismissed.

A federal district court may entertain a petition for a writ of habeas corpus by a person in state custody only on the ground that the custody violates the Constitution or laws of the United States. Furthermore, the petitioner must have exhausted all available state remedies. 28 U.S.C. § 2254.

The issue of whether or not Black's sentence violated

Ohio's sentencing statutes is an issue of state law. It is not the province of this court to reexamine state-court determinations on state-law questions. Estelle v. McGuire, 502 U.S. 62, 67-68 (1991). There is simply no basis set forth in the petition which arguably supports the proposition that the state law issue of statutory construction raised by Black implicates his federal constitutional rights.

Accordingly, the request to proceed in forma pauperis is granted, the petition is denied and this action is dismissed pursuant to Rule 4 of the Rules Governing Section 2254 Cases. Further, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

S/Peter C. Economus - 3/2/10
PETER C. ECONOMUS
UNITED STATES DISTRICT JUDGE